

## REMARKS

Claim 1 is amended. New claims 25-28 are added. Withdrawn claims 7-24 are canceled without prejudice to their further prosecution in a continuation application. Cancellation of these claims is unrelated to patentability.

No new matter has been added as a result of this amendment. Support for the amendment can at least be found in paragraphs [0022], [0029], and [0030] and Figures 1 and 2. Upon entry of this Amendment, claims 1-6 and 25-28 are pending.

### Claim Rejections – 35 U.S.C. § 102(b) – Anticipation

Claims 1 and 3-8 stand rejected under 35 U.S.C. 102(b) as being anticipated by Kimura (US 5,702,352; hereinafter “Kimura”). Kimura discloses a tool for manipulating an organ in a human body. Kimura characterizes the tool as “comprising a centesis or penetration hollow needle” (col. 2, lines 46-47). The hollow needle further comprises “means arranged in the hollow penetration needle and inserted together with the needle into the human body of the patient to pull the organ” (col. 2, lines 47-50). The hollow nature of Kimura’s tool is critical to its function, since it allows a pulling member to manipulate bodily organs by traversing the hollow portion of the needle.

Claim 1 has been amended to recite a solid, substantially straight needle. Because Kimura fails to disclose a solid needle, Kimura does not anticipate claim 1 (or claims 2-8 depending therefrom). Applicants note that the Office Action fails to identify the features described in Kimura that would anticipate a solid needle in accordance with previous claim 7 and currently amended claim 1. Withdrawal of the rejection is respectfully requested.

Claims 1 and 3-8 stand rejected under 35 U.S.C. 102(b) as being anticipated by Camps et al. (US 6,434,431; hereinafter “Camps”). Camps discloses an intramuscular medical electrical lead comprising an IPG connector, lead body, proximal and distal fixation members, an electrode, and a line connected to a curved needle (see e.g., Fig. 2)

Claim 1 has been amended to recite a solid, substantially straight needle, the needle comprising a shaft having a first end and a second end, wherein the first end of

the needle is substantially straight. In contrast, Camps discloses a conventional suture needle that is curved. Camps' suture needle is curved to facilitate implantation and testing of a medical electrical lead into human muscle tissue. To the extent that Camps fails to disclose or suggest each element of amended claim 1, including a solid, substantially straight needle, Camps fails to anticipate claim 1 or dependent claims 2-9 and 25. Withdrawal of the rejection is respectfully requested.

**Claim Rejections – 35 U.S.C. § 103(a) – Obviousness**

Claim 2 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura. To the extent that Kimura fails to disclose or suggest each element of amended claim 1, including a solid, substantially straight needle, claim 2 is nonobvious. Withdrawal of the rejection is respectfully requested.

**New claims 25-28**

New claims 25-28 have been added to more particularly define additional aspects of the present invention. New claims 25 and 26 depend from claim 1 and are therefore distinguishable over the applied prior art for the above reasons. In addition, claims 25-28 further recite additional features distinguishable over the applied prior art, including the limitations whereby a portion of the second end of the needle is radially surrounded by a conductor.

In view of the Amendment and Remarks set forth above, Applicants respectfully submit that the claimed invention is in condition for allowance. If for any reason the Examiner feels that the above Amendment and Remarks do not put the claims in condition to be allowed, and that a discussion would be helpful, it is respectfully requested that the Examiner contact the undersigned agent directly at (312)-321-4233.

Respectfully submitted,

  
Peter Brunovskis  
Registration No. 52,441  
Agent for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200